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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,691	12/16/2003	Nobuyuki Satoh	246701US2	3553
22850	7590	09/16/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PHAM, HAI CHI	
			ART UNIT	PAPER NUMBER
			2861	
DATE MAILED: 09/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,691

Applicant(s)

SATOH, NOBUYUKI

Examiner

Hai C. Pham

Art Unit

2861*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/15/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eom (Pub. No. U.S. 2003/0053093) in view of Dwyer, III (U.S. 5,030,986).

Eom discloses an apparatus to control color registration in an image recording device, the apparatus comprising a color registration sensor including a light source (101-1, Fig. 7) that outputs light, an image sensor (photodetector 101-3) and a focusing unit (focusing lens 101-4) that that focuses the light reflected from the position detection pattern (e.g., registration mark 120) onto the image sensor.

Eom fails to teach the synthesizing unit that passes the light of the light source so as to illuminate the position detection pattern, and collects and reflects a light reflected from the position detection pattern, and the light synthesizing unit including a prism.

Dwyer, III discloses a film printing and reading system including an image sensing device including a focal mechanism (Fig. 10) comprising a light source (901), a light receiving sensor (950) and a synthesizing unit (beam splitter 905) that passes the light of the light source so as to illuminate the position of the recording medium (940), and collects and reflects the light reflected from the recording medium and a focusing unit (lens 930) for focusing the returned light onto the light receiving sensor. Dwyer, III further teaches the light synthesizing unit including a prism (beam splitter 905).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the device of Eom with the light synthesizing unit as taught Dwyer, III. The motivation for doing so would have been to allow the light receiving sensor to receive the returned light at the proper focal position.

Eom further teaches:

- the position detection pattern includes a plurality of lines that are parallel to each other (e.g., registration mark pattern 270 having a plurality of parallel lines) (Fig. 16),
- the image sensor and the light source being mounted on a same circuit board (Fig. 7).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eom in view of Dwyer, III, as applied to claim 1 above, and further in view of Sikes et al. (U.S. 6,499,402).

Eom, as modified by Dwyer, III, discloses all the basic limitations of the claimed invention except for the position detection pattern including dots of a predetermined size.

Sikes et al. discloses a system for controlling the registration of the web printing press including a CCD sensor (30) for sensing the registration pattern (110) printed on the web, the registration pattern comprising a plurality of dots printed on the web at precise locations (Fig. 5A).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the registration pattern of the device of Eom having a plurality of dots as taught by Sikes et al. The motivation for doing so would have been to allow a precise control of the registration of the different color images.

Allowable Subject Matter

5. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the primary reason for the indication of the allowability of claims 6 and 7 is the inclusion therein, in combination as currently claimed, of the limitations "an adding unit that adds up image data of a two-dimensional image sensor in any one of the main scanning direction and the secondary scanning direction" and "a peak-position detector

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that detects a peak position in one-dimensional data that is output by the adding unit", which are not found taught by the prior art of record considered alone or in combination.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C. Pham whose telephone number is (571) 272-2260. The examiner can normally be reached on M-F 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on (571) 272-1934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HAI PHAM
PRIMARY EXAMINER

September 14, 2005